

REMARKS/ARGUMENTS

Applicants appreciate the thorough examination of the present application, as evidenced by the final Official Action. Applicants also appreciate the Official Action withdrawing the objections to Claims 8, 17-19 and 47, and the drawings. However, the final Official Action continues to reject all of the claims, namely Claims 1-74, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0010668 to Travis et al., in view of U.S. Patent Application Publication No. 2002/0156661 to Jones et al. (assigned to Travelocity.com), and further in view of various combinations of Web site materials from Lastminute.com, prior art admitted in the specification and by applicant, and an Official Notice of facts outside the record which are alleged to be capable of instant and unquestionable demonstration of being "well known."

Applicants have amended dependent Claim 15 to correct a typographical error in the spelling of the term "traveling." Also, Applicants have amended the specification to correct a typographical error in the reference to the element "package authoring interface," similarly described on page 25, lines 6-8. In addition, Applicants have amended Claims 1-23, 25-37 and 39-74 to more clearly define the claimed invention, and correspondingly cancelled dependent Claim 38. Further, Applicants have added Claims 75-92 to claim further patentable aspects of the present invention. As explained below, Applicants respectfully submit that amended and added independent Claims 1, 11, 21, 28, 29, 32, 58, 72-74, 85 and 89, and by dependency dependent Claims 2-10, 12-20, 22-27, 30, 31, 33-37, 39-57, 59-71, 75-84, 86-88 and 90-92 are patentably distinct from the cited references, taken individually or in combination. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. Request for Telephone Interview

Applicants' counsel hereby requests a telephone interview after the Examiner has had an opportunity to review the remarks provided below. Such an interview would be brief and would focus only on the current rejections and cited references. Applicants' counsel, Andrew Spence, can be reached at 704-444-1411.

II. The Claimed Invention is Patentable over the Cited References

Embodiments of the present invention, as claimed, provide a system, method and data structure for dynamically generating packages, where each package includes at least one item for sale. As a first procedure, the present invention creates or provides a plurality of package templates that are stored in a database. Each package includes one or more element schema having an associated affinity space description. The present invention also assigns various affinity space values to each of the items that may be used to fill the templates. The templates are created and affinity space values are assigned to each item prior to receiving a request from a consumer.

During operation, the present invention receives a request from a consumer. The request can include an affinity description the type of package that the consumer wishes to purchase. The present invention can use the affinity description associated with the request to determine which one or more of the pre-stored templates should be used to create packages offered to the consumer. The packages can be dynamically generated by comparing the affinity values associated with each item in the database with the affinity description of the selected templates. Specifically, from one or more of the selected package templates, one or more packages are dynamically generated by filling in the selected package templates with items that have an affinity space coordinate that matches the affinity space description associated with the respective package templates. Thereafter, the generated packages can be presented to the consumer in response to the consumer's request.

Importantly, because the present invention generates the packages dynamically after receiving the consumer request, the present invention is capable of providing the most up-to-date available items for sale within each package, typically checking availability before including items in a package to thereby provide a form of guaranteed availability before presenting packages for sale.

In contrast to the claimed invention, none of the cited references, individually or in combination, teach or suggest dynamically generating packages from a plurality of stored templates, where the packages are generated after receiving a request from a consumer for the

package. Specifically, the Travis application discloses an online targeted merchandising and marketing system that allows a user to purchase an entire experience (package). In accordance with the Travis system, and in contrast to the claimed invention of the present application, experiences are not developed based upon templates stored in a database. Instead, the Travis application discloses developing packages by identifying the most basic components (e.g., a tour package and an airline ticket for a vacation experience), with other components of the experience being identified via brainstorming sessions, focus group analysis or the like. And as the Travis system develops packages by identifying the components in accordance with a technique including brainstorming sessions, focus group analysis or the like, the Travis system clearly does not develop packages based upon templates stored in a database, as does the claimed invention of the present application.

In addition, the Travis system clearly does not dynamically create packages after receiving a request for a package from a consumer. Instead, the Travis system merely presents to the consumer packages that were previously created using brainstorming sessions and focus group analysis. Moreover, the Travis application discloses that the server presenting the experience must confirm price and availability for an experience a user desires to purchase. However, if the experiences developed by the Travis system were developed after receiving a request for the experience, the Travis system would have no need for subsequently confirming price and availability, since such confirmation could be performed as the experience is developed. Nowhere does the Travis reference teach or suggest that the packages are created dynamically based on a consumer's request as is recited in the claims. As such, the claims of the present application are patentable over the Travis reference.

Like the Travis application, the Jones application likewise does not teach or suggest dynamically generating packages from a plurality of stored templates, where the packages are generated after receiving a request from a consumer for a package. The Jones application discloses a goal-oriented travel planning system that interactively builds itineraries based upon a users' travel destination goals, where the itineraries may include air and/or ground transportation, hotels, restaurants, and activities. More particularly, as disclosed by the Jones application, after selecting air transportation based upon an origination, destination and time, the user can be asked

whether to include ground transportation, hotels, restaurants and/or activities in an itinerary including the selected air transportation. Based upon each selection, then, the system adds the respective component to the itinerary. Thus, the Jones application discloses building an itinerary in an interactive manner with input from the user in selecting each component of the itinerary, and not based upon templates stored in a database, as does the claimed invention of the present application. Moreover, in accordance with the Jones application, packages (itineraries) are not built after receiving a request for a package, as in the claimed invention. Instead, the Jones system builds packages by including each component in the package after receiving a request for the individual components from the consumer.

Applicants therefore respectfully submit that none of the cited references, individually or in combination, teach or suggest the claimed invention of the present application. In this regard, Applicants also respectfully submit that the claimed invention is patentably distinct from all of the cited references, taken individually or in combination. As such, Applicants respectfully submit that the rejection of Claims 1-74 as being unpatentable over the Travis application in view of the Jones application, and further in view of various combinations of Web site materials from Lastminute.com, prior art admitted in the specification and by applicant, and an Official Notice of facts outside the record which are alleged to be capable of instant and unquestionable demonstration of being "well known," is overcome.

CONCLUSION

In view of the amendments to the specification and claims, and the remarks presented above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

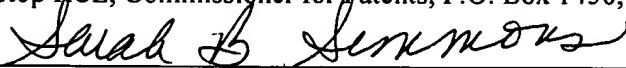


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